UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,928	10/28/2003	Pablo R. Rodriguez	304931.01	7025

22971 7590 02/11/2009

MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052-6399

EXAMINER	
SURVILLO, OLEG	
ART UNIT	**PAPER NUMBER**
2442	

NOTIFICATION DATE	DELIVERY MODE
02/11/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

roks@microsoft.com
ntovar@microsoft.com

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/695,928	**Applicant(s)** RODRIGUEZ, PABLO R.	
	Examiner OLEG SURVILLO	**Art Unit** 2442	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *10-24,26-33 and 35*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2442

Continuation of 11.: Regarding the rejection of claim 10 under 35 U.S.C. 103(a), applicant argues at page 12 of remarks that "Viswanath may teach a "network access request" and selecting a particular "gateway" to which to forward the "network access request". But this is very different than Applicant's claimed "outgoing request for each object in the virtual resource" which is not the same as a request to access a network. In fact, Viswanath is silent with regards to a "request for each object in the virtual resource"". In response to this argument, it is noted that Viswanath was not relied on to teach a "request for each object in the virtual resource". Therefore, the argument is moot. Applicant further argues that "nowhere in the cited section does Chebrolu suggest the claimed "transmitting an outgoing request for each object in the virtual resource" wherein each request is a "request for each object in the virtual resource"". This argument is not persuasive because applicant failed to establish patentable difference between scheduling packets over multiple links, as taught by Chebrolu, and "transmitting an outgoing request for each object in the virtual resource", as claimed. In addition, applicant failed to provide any argument as to how the claimed "transmitting an outgoing request for each object in the virtual resource" is patentably distinct from Rodriguez's method of "dynamic parallel access to replicated content in the Internet". Absent specifically pointing out patentable differences between teachings of prior art references relied on and claimed limitations, applicant's argument cannot be held as persuasive.

Applicant further argues at page 14 of remarks that: "Viswanath may teach an IP address associated with a request, but Viswanath does not teach, disclose, or suggest the claimed "wherein each outgoing request specifies the available wireless network interface assigned to the corresponding object in the virtual resource". In response to this argument, it is noted that one cannot show nonobviousness by attacking references individually where the rejection is based on combination of references. Applicant presented no argument specifically pointing out how the limitation of "wherein each outgoing request specifies the available wireless network interface assigned to the corresponding object in the virtual resource" is not being taught, disclosed, or suggested by a combination of Viswanath, Chebrolu, Rodriguez, and Greer. General allegation that "nor do Chebrolu, Rodriguez, and/or Greer remedy this deficiency in Viswanath" is not sufficient to establish patentable difference between the argued limitation and cited art.
As to any arguments not specifically addressed, they are the same as those discussed above.